

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

19145-018

(Inmate Number)

Jerome Smith

(Name of Plaintiff)

ALLENWOOD FEDERAL PRISON CAMP

(Address of Plaintiff)

MONTGOMERY, PENNSYLVANIA 17752

vs.

FEDERAL BUREAU OF PRISONS et.al

(AW) Troy Levi, Dr. Biglete (PA) Bell

(HSA) Terri Ramos (CD) John Chung
(Names of Defendants)

1 : CV 01-1192

(Case Number)

COPY

COMPLAINT
SCRANTON

JUN 29 2001

PER JK
DEPUTY CLERKTO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALSX 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Plaintiff, a federal prisoner proceeding pro se,filed a complaint against United States of America(defendant) Federal Tort Claim Act on June 8, 2001Civil No. 1:cv-01-1026 Middle District Court

II. Exhaustion of Administrative Remedies

A. Is there a grievance procedure available at your institution?
X Yes No

B. Have you filed a grievance concerning the facts relating to this complaint?
X Yes No

If your answer is no, explain why not _____

C. Is the grievance process completed? X Yes No

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

A. Defendant Troy Levi (AW)

is employed as Associate Warden at Allenwood Federal Prison Camp

B. Additional defendants Dr Biglete, (PA) Bell both are employed by the B.O.P. - Terri Ramos (Health Service Administrator); Dr John Chung are both employed by B.O.P. at FCI Fort Dix, New Jersey.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. Defendant's, United States Federal Bureau of Prisons
has the responsibility to provide suitable safekeeping
health care, for prisoner's committed to the Attorney General
by the United States District Court's of all persons
convicted of offenses against the United States.
2. The above defendant's have breach that duty by failing
to ensure that plaintiff receive medical treatments for his
serious medical needs as was recommended by consulting
examining physicians wherein they have directly violated
B.O.P. Policy pursuant to P.S. 6000.05
3. Defendant have violated plaintiff's civil rights at both
Federal Correctional Institutions and a federally protect
statute pursuant to 18 USCA § 4042(a)(2-3). See Attach
Complaint pursuant to Civil Action No. 1:CV-01-1026

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite cases or statutes.)

1. Issue a declaratory Judgement that defendants violated

federal law and the United States Constitution when

they subjected plaintiff to inadequate medical care.

Defendant's exhibited a deliberate indifference to

plaintiff's serious medical needs.

2. Grant Compensatory damages of \$250,000 against the defendant

Grant Punitive damages in the amount of double

compensatory damages requested from each defendant

3. Issue an order to the Federal Bureau of Prisons requesting

that plaintiff be transferred to a medical institution

for the necessary medical treatments needed to avoid

further risk to health as is required by federal statute

under 18 USCA § 4042.

Signed this _____ day of _____, 19____.

Jerome Smith
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

06/22/01
(Date)

Jerome Smith
(Signature of Plaintiff)

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$150.00.

If you do not have sufficient funds to pay the full filing fee of \$150.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$150.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form.

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees. X

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS